

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

ENRIQUE GUERRERO,

Plaintiff,

v.

PSYCHIATRIST TECH. P. VAUGHT,

Defendant.

No. 3:13-CV- 03617 EMC (NJV)

NOTICE OF SETTLEMENT
CONFERENCE AND SETTLEMENT
CONFERENCE ORDER

TO ALL PARTIES AND COUNSEL OF RECORD:

Pursuant to the scheduling conference held May 13, 2014, a settlement conference is scheduled for 11:00 am. on July 16, 2016, in Courtroom D of the United States Courthouse at 450 Golden Gate Avenue in San Francisco.

It is the responsibility of counsel to ensure that whatever discovery is needed for all sides to evaluate the case for settlement purposes is completed by the date of the settlement conference.

Counsel shall cooperate in providing discovery informally and expeditiously.

Lead trial counsel shall appear at the settlement conference with the parties. Any party who is not a natural person shall be represented by the person(s) with **unlimited** authority to negotiate a settlement. A person who needs to call another person not present before agreeing to any settlement does not have full authority. If a party is a governmental entity, its governing body shall designate one of its members or a senior executive to appear at the settlement conference with authority to participate in the settlement conference and, if a tentative settlement agreement is reached, to recommend the agreement to the governmental entity for its approval. An insured party shall appear with a representative of the carrier with full authority to negotiate up to the limits of coverage.

1 Personal attendance of a party representative will rarely be excused by the Court, and then only on
2 separate written application demonstrating substantial hardship served on opposing counsel and
3 lodged as early as the basis for the hardship is known by no later than the settlement conference
4 statement.

5 **Each party shall prepare a settlement conference statement, which must be LODGED**
6 **with the undersigned's chambers via regular mail (NOT electronically filed) no later than July**
7 **2, 2014.**

8 **Each party may also submit their settlement conference statement in .pdf format to**
9 **NJVPO@cand.uscourts.gov.**

10 The settlement conference statement need not be served on opposing counsel. The parties
11 are encouraged, however, to exchange settlement conference statements. If settlement conference
12 statements are exchanged, any party may submit an additional confidential statement letter to the
13 court not to exceed three (3) pages. The contents of this confidential settlement letter will not be
14 disclosed to the other parties.

15 The settlement conference statement shall not exceed ten (10) pages of text and twenty (20)
16 pages of exhibits and shall include the following:

- 17 1. A brief statement of the facts of the case.
- 18 2. A brief statement of the claims and defenses, including, but not limited to, statutory
19 or other grounds on which the claims are founded, and a candid evaluation of the
20 parties' likelihood of prevailing on the claims and defenses. The more candid the
21 parties are, the more productive the settlement conference will be.
- 22 3. A list of the key facts in dispute and a brief statement of the specific evidence
23 relevant to a determination of those facts.
- 24 4. A summary of the proceedings to date and any pending motions.
- 25 5. An estimate of the cost and time to be expended for further discovery, pretrial and
26 trial.
- 27 6. The relief sought, including an itemization of damages.
- 28

7. The party's position on settlement, including present demands and offers and a history of past settlement discussions. The court's time can be used to assist the parties in completing their negotiations, not starting them. Accordingly, Plaintiff must serve a demand in writing no later than fourteen (14) days before the conference and Defendant must respond in writing no later than eight (8) days before the conference. The parties are urged to carefully evaluate their case before taking a settlement position because extreme positions hinder the settlement process.

It is not unusual for the settlement conference to last three (3) or more hours. Parties are encouraged to participate and frankly discuss their case. Statements they make during the conference will not be admissible at trial in the event the case does not settle. The parties should be prepared to discuss such issues as:

1. Their settlement objectives.
2. Any impediments to settlement they perceive.
3. Whether they have enough information to discuss settlement. If not, what additional information is needed.
4. The possibility of a creative resolution of the dispute.

The parties shall notify chambers immediately at (707) 445-3612 if this case settles prior to the date set for the settlement conference. Counsel shall provide a copy of this order to each party who will participate in the conference.

IT IS SO ORDERED.

Dated: May 14, 2014


NANDOR J. VADAS
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

ENRIQUE GUERRERO,

Plaintiff,

v.

PSYCHIATRIC TECH. P. VAUGHT,

Defendant.

No. 3:13-CV-03617 EMC (NJV)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on May 14, 2014, I served a true and correct copy of the attached by placing said copy in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail.

Enrique Guerrero
4904 Acacia Avenue
San Bernardino, CA 92407

Enrique Guerrero
P.O. Box 1203
Anaheim, CA 92815

Dated: May 14, 2014

/s/ Linn Van Meter
Linn Van Meter
Administrative Law Clerk to the
Honorable Nandor J. Vadas